

REMARKS:

STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS

37 CFR 1.173(c)

The Examiner had previously requested that a statement of the status of all patent claims and of
5 all added claims be submitted on a page separate from the pages containing the changes. The
Applicant submits an updated statement out of an abundance of caution.

The Applicant submits that patent claims **1-29** are pending in this reissue application as of the
date of this amendment.

The Applicant submits that claims **30-36** and **39**, which have been added in this reissue
10 application, are pending in this reissue application as of the date of this amendment.

The Applicant submits that claims **37** and **38** which had been previously added in this reissue
application have been canceled.

Support for the previous amendments to claim **1** can be found in the specification at col. 3, lines
23-38 and at col. 6, lines 41-54.

15 Support for the previous amendments to claim **6** can be found in the specification at col. 3, lines
23-38 and at col. 6, lines 41-54.

Support for the previous amendments to claim **10** can be found in the specification at col. 3, lines
23-38 and at col. 6, lines 41-54.

Support for the previous amendments to claim **13** can be found in the specification at col. 3, lines
20 23-38 and at col. 6, lines 41-54.

Support for the previous amendments to claim **14** can be found in the specification at col. 3, lines
23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **18** can be found in the specification at
col. 3, lines 23-38 and at col. 6, lines 41-54.

25 Support for the previous and current amendments to claim **19** can be found in the specification at
col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **20** can be found in the specification at
col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **21** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **22** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

5 Support for the previous and current amendments to claim **23** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous amendments to claim **24** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

10 Support for the previous and current amendments to claim **25** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **26** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **27** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

15 Support for the previous and current amendments to claim **28** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **29** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

20 Support for the previous amendments to claim **30** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for the previous and current amendments to claim **34** can be found in the specification at col. 3, lines 23-38 and at col. 6, lines 41-54.

Support for claim **35** can be found in the specification at col. 9, lines 10-19 and FIG. 3J.

25 Support for claim **36** can be found in the specification at col. 3, lines 18-20, col. 8, lines 53-55 and FIG. 2.

Support for previously added claim **39** can be found FIG. 3J and in original claims **19-29**.

Support for newly added claim **41** can be found at col. 5, lines 32-33 and in original claim **2**.

Support for newly added claim **42** can be found in the specification at col. 3, lines 25-32

CLAIM REJECTIONS

35 USC 251

5 Claims 1-36, 39 and 41 were rejected as being based upon a defective reissue declaration. In response, Applicant submits herewith a new reissue declaration in compliance with 37 CFR 1.175(a)(1) and MPEP 1414(II)(B) and C.

35 USC 102(b)

10 Claims **7-9** and **30-33** were rejected under 35 USC 102(b) as being anticipated by US Patent 5,434,939 to Matsuda (hereinafter Matsuda). In rejecting the claims, the Examiner argues, in effect, that Matsuda teaches all features of the product recited in the claims. The Examiner argues that these claims are product-by-process claims and that patentability of a product by process claim is determined by the patentability of the product.

35 USC 103

15 Claims **1-6** and **10-17** were rejected as being obvious over JP 06-138341 to Konishi et al. In rejecting these claims, the Examiner argues, in effect that the differences between Konishi and the rejected claims would have been obvious to one of skill in the art.

The Applicant respectfully traverses all of the above rejections. To expedite prosecution, the Applicant has amended claim 30 to recite that the fiber sockets are substantially cylindrical. Applicant submits that neither Matsuda nor Konishi teaches such a feature. Instead, both
20 Matsuda and Konishi clearly show that their fiber sockets are either frusto-conical or frusto-pyramidal. (see e.g., FIG. 4 of Matsuda or Drawings 2 and 3 of Konishi). The drawings of Konishi in particular clearly show that a substantially cylindrical fiber socket is not obtainable with the etching techniques described therein. As such, applicants submit that these claims are allowable over the prior art of record.

25 Furthermore, new claim **42** recites that the fiber socket is characterized by a vertical variation in diameter that is less than 1 micron. Support for this feature may be found in the original specification at col. 3, lines 25-32. Applicant submits that neither Matsuda nor Konishi teaches such a feature. As such claim **42** is believed to be allowable for at least this additional reason.

ALLOWABLE SUBJECT MATTER

Applicant appreciates the Examiner's indication of allowable subject matter in claims **18-29, 34-36** and **39**.

Comments on Examiner's reasons for Allowance

- 5 In his reasons for allowance, the Examiner states that none of the prior art fairly teaches or suggests a method of forming a multiplayer optical fiber coupler, wherein the *cylindrical optical fiber socket* is formed *through* the substrate via *deep reactive ion etching* as claimed in the instant application. Applicant disagrees with Examiner's reasons as follows. The word "multi*player*", which does not appear in the claims, is believed to actually be "multi*layer*",
10 which does appear in the claims. Furthermore, Applicant submits that claims **18-29, 34-36** and **39** as they presently stand do not recite that the fiber socket is "cylindrical". Indeed the word "cylindrical" had been deleted from claims **18-29** and does not appear in claims **34-36**. As such, it is submitted that this feature is not required for patentability of either claim. Therefore, Applicants submit that claims **18-29, 34-36** should not be interpreted as necessarily including
15 this feature either explicitly or implicitly.

- Applicant submits that the Examiner's comments regarding criticality of any particular component of the claimed invention or characterization of the cited references reflect merely the view of the Examiner and should not necessarily be interpreted as narrowing the scope of the claim. The scope of the present invention should be determined with reference to the paramount
20 rule of claim construction that claims are given their plain meaning, in the broadest manner possible along with their full scope of equivalents (unless otherwise specified by definitions provided by the Applicant).

CONCLUSION

The Applicant submits that all claims are allowable over the prior art and define an invention suitable for patent protection for the reasons set forth above. Furthermore, the Applicant submits that none of the pending claims present an impermissible recapture of subject matter surrendered
5 during prosecution for the reasons set forth in the Amendment of September 27, 2006. The Applicants therefore respectfully request that the Examiner reconsider the application, and issue a Notice of Allowance in the next Office Action.

Respectfully submitted,

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